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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,276	04/24/2000	Fred S. Cook	1352	8008
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/556,276

Applicant(s)

COOK, FRED S.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 25,27,29,33,35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25,27,29,33,35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This is response to amendment filed on October 14, 2004. Applicant previously cancelled all originally filed Claims, and added new Claims 25-40. Applicant previously also cancelled claims 26, 28, 30-32, 34, 36, and 38-40. Applicant currently amended claims 25, and 33. The amendment filed have been entered and made of record. Presently pending claims are 25, 27, 29, 33, 35, and 37.

### ***Claim Objections***

Claim 33 is objected to because of the following informalities: typing error, line 3, "... provider configured ...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 25, and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The description requirement is simply that the claimed subject matter must be described in the specification. The application need not describe the claim limitations exactly, but must be sufficiently clear for one of ordinary skill in the art to recognize that the applicant's invention encompasses the recited limitations. The description requirement is not met if the application does not expressly or inherently disclose the claimed invention.

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following step as recited in claims 25, and 33: "identifying a foreign database system". Please refer response to argument section for further discussion and clarification.

### ***Response to Arguments***

1: Regarding Claim Rejections - 35 USC § 112, applicant argued that central database system 522 identifies local database system 590 based on *foreign network account information*. Therefore, local database system 590 is distinguished from local database system 570 as a *foreign database system*.

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This is not persuasive because one of ordinary skill in art recognizes a *foreign database* system in a network environment as an entity (i.e. filesystem) located outside (foreign) of the particular network environment, just simply identifying (i.e. after querying) a local database (in the particular network environment) based on stored foreign network account information does not put (or make) the database (filesystem) foreign (outside) to the particular network environment. Therefore, Claim Rejections under 35 USC § 112 is still maintained

2. Applicant argued also argued that cited prior art (CPA) [Toader et al., U.S. Pat. No. 5,749,075] does not teach the claimed invention as indicated independent and dependent claims. Applicant's request for consideration has been fully considered but they are not persuasive because of the following reasons:

Cited prior art clearly teaches and describes a method that provides an authentication, or access code to the user, which entitles the user to log on to an Internet entry server. The user is prompted to answer a series of queries. This allows the user to access the services for a predetermined time once the user has responded to all the queries. Thus, cited prior art provides paid service connect time allotment to user after authenticating the user.

Cited prior art clearly teaches and describes access communication system that provides access between a user system and plurality of communication networks.

In summary, the examiner asserts that the cited prior art teaches or suggests an access communication system, as claimed and recited in various independent and dependent claims.

Applicants still have failed to disclose the novelty of the invention and point out specific claimed limitations that would define a patentable distinction over cited prior arts. Therefore, the

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examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent claims 25, and 33. Dependent claims 27, 29, 35, and 37 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, rejections for Claims 25, 27, 29, 33, 35, and 37 are respectfully maintained

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25, 27, 29, 33, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Toader et al. U. S. Patent 5,749,075.

2. Regarding Claim 25 Toader teaches a method of providing Internet access to a network device through a first access provider, the method (Fig.1-4) comprising:

- in an access server of the first access provider, generating a logon query for the network device (col.3 line 15 to line 22, and col. 5 line 59 to col.6 line 7);

- transmitting the logon query from the access server to the network device, and in the access server, receiving a logon response from the network device to gain the internet access from the first access provider through the access server wherein the logon response includes a

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prepaid account code; transferring the prepaid account code from the access server to a central database (col.3 line 6 to line 32, and col.5 line 49 to col.6 line 39);

- in the central database system, processing the prepaid account code to determine if the prepaid account code is known in a local database system associated with the first access provider (col.5 line 49 to line 65);

- if the prepaid account code is known in a local database system, providing the internet access to the network device through the first access provider (col.5 line 49 to col.6 line 60);

- if the prepaid account code is not known in a local database system, identifying a foreign database system of a second access provider based on the prepaid account code and transferring the prepaid account code to the foreign database system (col.3 line 48 to line 58, and col.6 line 40 to line 60);

- in the foreign database system, processing the prepaid account code to determine if the prepaid account is known in the foreign database system; and if the prepaid account code is known in the foreign database system, providing the internet access to the network device through the access server of the first access provider (col. 5 line 49 to line 53, and col. 6 line 8 to line 32).

3. Regarding Claim 33 Toader teaches system for providing Internet access to a network device through a first access provider, the system comprising:

- an access server of the first access provider *configured generate* a logon query for the network device and to transmit the logon query from the access server to the network device, receive logon response from the network device to gain the internet access from the first access

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provider through access server wherein the logon response includes a prepaid account code, and transfer the prepaid account code from the access server to a central database system (col.3 line 6 to line 32, and col.5 line 49 to col.6 line 39);

- the central database system configured to process the prepaid account code to determine if the prepaid account code is known in a local database system associated with the first access provider (col.5 line 49 to line 65), identify a foreign database system of a second access provider based on the prepaid account code if the prepaid account code is not known in the local database system and transfer the prepaid account code to the foreign database system (col.3 line 48 to line 58, and col.5 line 4 to col.6 line 60);

- the foreign database system configured to process the prepaid account code to determine if the prepaid account code is known in the foreign database system (col. 5 line 28 to line 49 ); and

- the access server of the first access provider configured to provide internet access to the network device if the prepaid account code is known in the local database system associated with the first access provider or known in the foreign database system associated with the second access provider (col.5 line 59 to col.6 line 32).

5. Claims 27, 29, 35, and 37 are rejected applied as above rejecting Claims 25, and 33.

Furthermore, Toader teaches and describes wherein:

- if the network device is not allowed to access the Internet, transferring a decline message to the access server (col.3 line 48 to line 50);



- the prepaid account code is linked to a prepaid account and wherein the prepaid account code is displayed on a prepaid account card and wherein the second access provider provides the prepaid account card to a user and wherein the user utilizes the network device and the prepaid account card to access the internet (col.5 line 4 to line 39);

- the local database system is further configured to transfer a decline message to the access server if the network device is not allowed to access the Internet through the first access provider (col.3 line 48 to line 50);

- the prepaid account code is linked to a prepaid account and wherein the prepaid account code is displayed on a prepaid account card and wherein the second access provider provides the prepaid account card to a user and wherein the user utilizes the network device and the prepaid account card to access the internet (col.5 line 4 to line 39).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

March 23, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100